**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 536 OF 2006**

1. Sopan Bhausaheb Gunjal,
2. Suresh Bhausaheb Gunjal,
3. Sau. Sitabai Bhausaheb Gunjal,
4. Bhausaheb Kisan Gunjal. ...Applicants

V/s.

The State of Maharashtra. ...Respondent

Mr.Naveen Chomal for Applicants.
Mr.R.Y.Mirza, APP for the State.

**CORAM : V.M. KANADE, J.**

**DATED : MARCH 16, 2006**

**P.C. :-**

. This is an application for bail. The applicants were arrested in connection with an offence punishable under Sections 302, 304B, 498A read with Section 34 of the IPC. The applicant no.1 married Kalpana, deceased daughter of the complainant on 2nd May, 2005. Her dead body was retrieved from a well on 6th August, 2005. A complaint, thereafter, was filed by the father of the deceased alleging that the applicants were responsible for her death and that they had assaulted her and had demanded dowry of Rs.2 lakhs. Since the amount of dowry was not paid, the deceased was murdered by the applicants.

2. Learned Counsel for the applicants has submitted that the circumstances indicate that the deceased had accidently fell in the well and died due to drowning which was borne out by the post mortem report which had shown the cause of death as asphyxia due to drowning. He submitted that the applicants had agricultural land and other agriculture equipments such as tractor etc. and the deceased admittedly belonged to a poor family. The applicant no.1 having married with the deceased who was known to come from a poor family, there was no occasion for the applicants to demand dowry. It is submitted that a false complaint has been filed at the behest of interested persons in the village. He invited my attention to the post mortem notes wherein the doctor had observed that there are certain injuries on the person of the deceased. He submitted that these injuries were caused as a result of efforts which were taken by people to retrieve her dead body from the well by using iron hook which was tied to the rope. He submitted that other injuries were caused by fishes and other creatures in the well. He submitted that one

slipper of the victim was found in the well and the other was found on the surface. There was a tumbler near the surface which indicated that the deceased must have accidently fell down in the river while she had gone to answer the call of the nature.

3. Learned APP, on the other hand, vehemently opposed this application for grant of bail. He invited my attention to the complaint which was filed by the father of the deceased as also the statements of the neighbour and the other witnesses who had stated in their evidence that the deceased was assaulted and the dowry was demanded by all the applicants. He submitted that the fact that she was assaulted in the past, was revealed from the post mortem notes which showed that there were old contusions which were in the process of being healed. He submitted that the confusions on the lower jaw and the shoulder region of the deceased indicated that she was severely beaten. Further, there was contused lacerated wound on both the eyes. He submitted that doctor had given opinion that these injuries were caused six hours prior to the death which

indicated that the deceased was assaulted and thereafter was thrown in the well. He submitted that statement of all the witnesses indicated that the deceased was in the house of the applicants and the father of the applicant no.1 initially had stated that the girl was missing but subsequently when the mother of the applicant no.1 was interrogated by the complainant and the other relatives of the deceased, she admitted that the body of the deceased was in the well. This fact has been corroborated by the other witnesses.

4. Considering this material which is on record, in my view, this is not a fit case for grant of bail to applicant no.1, the husband of the deceased and the applicant no.4 who is father-in-law of the deceased. Their applications, therefore, for bail are rejected.

5. So far as applicant no.2 is concerned, he is brother of applicant no.1. He is a student of 18 years of age. Applicant no.3 is mother-in-law of the deceased. Taking into consideration of age and the fact that no serious allegations are made against her by any

of the witnesses, she is entitled to be released on bail.

6. In the result, application of applicant nos.1 and 4 is rejected. Applicant nos.2 and 3 be released on bail in the sum of Rs.5000/- each with one or two sureties in the like amount.

. Application is disposed of in the above terms.

**(V.M. Kanade, J.)**